

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

WILLIAM KEITH WININGEAR, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 2:12cv560
)	
CITY OF NORFOLK, VIRGINIA,)	
)	
Defendant.)	

**THE PARTIES' JOINT MOTION FOR APPROVAL OF THEIR SETTLEMENT
AGREEMENT AND FOR DISMISSAL OF PLAINTIFFS' CASE WITH PREJUDICE**

William Keith Winingear, *et al.* ("Plaintiffs"), by counsel, and the City of Norfolk, Virginia ("Defendant"), by counsel, jointly move this Court to approve their Settlement Agreement and to dismiss Plaintiffs' case with prejudice.

The parties submit that this motion should be granted because the Settlement Agreement represents a fair, reasonable, and adequate resolution of a bona fide dispute in contested litigation. Accordingly, the parties seek an Order: (1) preliminarily approving the Settlement Agreement in advance of notice being sent to all Plaintiffs; (2) approving final certification of the previously conditionally certified Fair Labor Standards Act ("FLSA") collective action pursuant to 29 U.S.C. § 216 (b) for the purpose of settlement on behalf of all FLSA non-exempt and/or hourly law enforcement officers employed by the City of Norfolk who received wages in this capacity between October 10, 2009 and the present date; (3) approving the "Notice of Class and Collective Action Settlements and Final Approval Hearing" so that Rule 23 class members and FLSA class members can receive notice of and the opportunity to receive money from this Settlement; and (4) scheduling a telephonic management conference pursuant to Rule 23(d) of the Federal Rules of Civil Procedure in advance of the fairness hearing to review, discuss and

confirm the required information necessary for the Court to consummate settlement; (5) scheduling a fairness hearing to take place on or before June 22, 2014 for the Court to finalize the Settlement Agreement and dismiss Plaintiffs' case with prejudice; and (6) granting final approval of the Settlement Agreement after notice and hearing.

In support of this joint motion, the parties rely upon the accompanying Memorandum in Support of this Motion, and all other pleadings and material properly on file with the Court.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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